

REMARKS/ARGUMENTS

In response to the Office Action dated December 28, 2004, Applicants respectfully request reconsideration based on the above amendments and the following remarks.

Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 13-24 are pending in this application. Claims 13-17, 19, 20, and 22-24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,160,989 ("Hendricks") in view of U.S. Patent Pub. 2001/0049620 A1 ("Blasko"). Claim 18 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of Blasko as of claim 13 and further in view of U.S. Patent No. 5,630,204 ("Hylton"). Claim 21 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of Blasko as of claim 13 and further in view of U.S. Patent Application No. US2002/0083441 ("Flickinger").

Rejections Under 35 U.S.C. § 103(a)

1. Claims 13-17, 19, 20, and 22-24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,160,989 ("Hendricks") in view of U.S. Patent Pub. 2001/0049620 A1 ("Blasko"). Applicants respectfully disagree.

The Claimed Invention

The claimed invention is directed to targeting advertising content to a particular viewer. According to an aspect of the invention, demographic information for the viewer is gathered at a set top box (i.e. a viewer device). A number of different categories of advertisements (i.e. sporting goods, cars, food) are sent to the set top box. Upon receiving the different kinds of advertisements, the set top box targets a particular category of advertisement to the viewer based on the viewer's collected demographic information. For example, if the viewer is watching a football game, then the set top box may target a sporting goods advertisement to the viewer. The targeted advertisements are then sent to the viewer's television where they are displayed to the viewer. The viewer's demographic information never leaves the set top box, thereby protecting the viewer's privacy. Furthermore, "confirmation" data is gathered regarding whether the targeted advertising content actually

has been displayed by the viewer device. If the targeted advertising content has not actually been displayed, then, for example, it may be re-inserted into the broadcast stream at a later time or the advertiser may not be charged or may be charged a reduced rate for the advertisements.

The Hendricks Reference

Hendricks discloses a system in which advertising content is targeted to a particular viewer. The advertising content is targeted based, at least in part, on the viewer's assigned "set top terminal group" (See Fig. 20a, Element 240). The set top terminal group is assigned to the viewer based on the viewer's demographic information, which is collected by the viewer's set top terminal and then sent to a network controller for storage at the network controller (Col. 34, lines 35-40). The network controller then uses the viewer's stored demographic information to assign the viewer to a particular set top terminal group (Col. 36, lines 15-20). The network controller then transmits the viewer's assigned set top terminal group back to the viewer's set top terminal (Col. 36, lines 15-20). The viewer's set top terminal then targets advertising content to the viewer based on the viewer's assigned set top terminal group (Col. 36, lines 15-20).

Importantly, Hendricks does not teach or suggest gathering "confirmation" data regarding whether targeted advertising content actually has been displayed by the viewer device.

The Blasko Reference

Blasko discloses a targeting system. When the targeting system is implemented in a television environment, user profiling is performed by a set top box. The set top box monitors the behavior of viewers and derives characteristics about the household and individual viewers. (Blasko, ¶ 104).

Importantly, Blasko also fails to teach or suggest gathering "confirmation" data regarding whether targeted advertising content actually has been displayed by the viewer device.

Hendricks and Blasko Do Not Teach the Claimed Invention

In contrast to the present invention, neither Hendricks nor Blasko, whether alone or in combination, teach or suggest “gathering at the viewer device data identifying whether the advertising content matching the confined characteristics of the viewer has been displayed by the viewer device,” as recited in independent claim 13 of the present application. Therefore, Applicants respectfully submit that independent claim 13 is patentable over the cited references.

Applicants also respectfully submit that dependent claims 14-17, 19, 20, and 22 are patentable at least by reason of their dependency.

2. Claim 18 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of Blasko as of claim 13 and further in view of U.S. Patent No. 5,630,204 (“Hylton”). Claim 21 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of Blasko as of claim 13 and further in view of U.S. Patent Application No. US2002/0083441 (“Flickinger”). Applicants respectfully disagree and submit that dependent claims 18 and 21 are patentable at least by reason of their dependency. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections are respectfully requested.

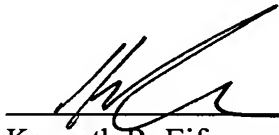
DOCKET NO.: BELL-0163 / 01330
Application No.: 10/034,654
Office Action Dated: December 28, 2004

PATENT

CONCLUSION

In view of the above remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

Date: May 31, 2005


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